

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

REMARKS

The Examiner is thanked for the thorough examination of the present application. Claims 1-17 and 46-56 have been cancelled to advance prosecution and without prejudice to file a continuation application directed to the subject matter thereof. In view of the supporting arguments presented in detail below, it is submitted that all of the claims are patentable.

I. The Claimed Invention

Independent Claim 18 is directed to a vehicle control system for a vehicle including a vehicle data communications bus extending throughout the vehicle, and a vehicle indicator connected thereto. The vehicle control system includes a uniquely coded transmitter to be carried by a user, a receiver at the vehicle for receiving signals from the uniquely coded transmitter, and a controller at the vehicle spaced apart from the vehicle indicator and cooperating with the receiver and the vehicle data communications bus. The controller is for learning the uniquely coded transmitter to permit control of a vehicle function by the user, communicating with the vehicle indicator via the data communications bus to cause an indication of whether the new uniquely coded transmitter has been learned, and causing an indication of a number of learned uniquely coded transmitters.

Independent Claim 30 is directed to a vehicle control system for a vehicle including a vehicle data communications bus extending throughout the vehicle, and a vehicle device connected thereto. The vehicle control system

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

includes a biometric characteristic sensor for sensing a unique biometric characteristic of a user, and a controller at the vehicle spaced apart from the vehicle device and cooperating with the biometric characteristic sensor and the vehicle data communications bus. The controller is for communicating with the vehicle device via the data communications bus, learning the unique biometric characteristic to permit control of a vehicle function by the user, and causing an indication of whether the new unique biometric characteristic has been learned. Independent Claim 57 is a method counterpart to Claim 30.

II. Claims 18-23 Are Patentable .

The Examiner rejected independent Claim 18 as unpatentable over the Ogino et al. patent in view of U.S. Patent No. 5,986,571 to Flick. The Flick '571 patent discloses a building security system comprising indicators that can indicate the number of learned remote transmitters. The Examiner correctly notes that the Ogino et al. patent fails to disclose a controller for causing an indication of a number of learned uniquely coded transmitters, and looks to the Flick '571 patent to provide such.

The Examiner contends that Ogino et al. discloses a plurality of remote unit 11 ID codes individually learned by a single car security unit 10 and Flick '571 discloses a plurality of coded remote transmitters 50 learned by a single controller 11, and thus it would have been obvious to modify the security unit 10 to indicate a number of learned remote transmitters. Thus, the Examiner contends that a proper motivation to modify the security unit 10 to indicate a number of learned remote transmitters arises from comparing the

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

number of remote units and security units between the references, and disregards the stated objectives of each reference. While the Examiner does cite to Christenson (U.S. Patent No. 5,933,090) for the contention that Ogino et al. and Flick '571 are "analogous," Christenson discloses a receiver for storing a transmitter ID code, fails to disclose a controller for causing an indication of a number of learned remote transmitters and thus does not provide a proper motivation to make the suggested combination.

The Ogino et al. patent proposes a vehicle security apparatus for transmitting the respective vehicle number to a remote unit display when the inputted remote unit vehicle number does not match the respective vehicle number, but the remote unit ID code matches the ID code learned by the respective vehicle security apparatus. (Col. 17, line 26-35).

The Flick '571 patent discloses a building security system to address the problem of a would-be-thief causing an alarm controller to enter an unauthorized learning mode without the owner's knowledge, after which the thief may use a new learned transmitter to disarm the system. In furtherance of protecting against unauthorized learning of a remote transmitter, a remote transmitter number indicating means causes the indication of a number of learned uniquely coded transmitters (Column 2, lines 23-26). This is similar to the Flick '688 patent (U.S. Patent No. 5,654,688) directed to displaying a number of coded transmitters in a vehicle security system.

The Examiner suggests that it would have been obvious to one of ordinary skill in the art to modify the security control unit 10 of the Ogino et al. patent as taught

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

by the Flick '571 patent to cause indication of a number of learned uniquely coded transmitters. The Ogino et al. patent teaches learning a remote unit ID code for subsequently outputting a stored vehicle number so to avoid the need to manually recall vehicle numbers when the remote unit ID code matches the learned ID code. The Ogino et al. patent does not teach or suggest any indicator for the unauthorized learning of remote unit ID codes or any device to combat the unauthorized learning of remote ID codes. It is respectfully submitted that one of ordinary skill in the art at the time of the present invention would not make the suggested combination, as an indication of a number of learned ID codes does not further the objective of outputting the stored vehicle number when a remote ID code matches a learned ID code. This objective merely teaches that the ID code is learned, not that an unauthorized learning or greater than a threshold number hasn't taken place. As such, there can be no proper motivation or suggestion to combine the references as the Examiner proposes, and the rejection of the above-noted independent claim should be withdrawn for this reason.

Accordingly, independent Claim 18 is patentable. Its dependent claims, which recite yet further distinguishing features of the invention, are also patentable, and require no further discussion.

IV. Claims 30-45 And 57-67 Are Patentable

The Examiner rejected independent Claims 30 and 57 as unpatentable over U.S. Patent No. 6,271,745 to Anzai et al. in view of U.S. Patent No. 6,011,460 to Flick. The Anzai et al. patent discloses a biometric authorization system for a

In re Patent Application of:
Flick
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

vehicle that includes an enrollment mode. The Flick '460 patent discloses a vehicle security system including a remote transmitter in communication with a plurality of vehicle devices, and the vehicle devices communicate with a controller over a vehicle data communications bus. The Examiner correctly notes that the Anzai et al. patent fails to disclose a data communications bus extending throughout the vehicle, a controller communicating over the data communications bus to vehicle devices, and a vehicle alarm indicator, and looks to the Flick '460 patent to provide such.

The Examiner contends that one of ordinary skill in the art would have made the suggested combination, based solely upon the Flick '460 teaching of the advantages of using a data communications bus. Accordingly, the Examiner fails to provide a proper motivation for replacing the hardwire connections of Anzai et al. used toward its objective of providing a keyless vehicle operation identification system with a data communications bus. Thus, one of ordinary skill in the art would not be motivated to make the suggested combination, particularly since supplementing the Anzai et al. system with a data communications bus so to reduce wiring does not further its objective of providing a keyless identification system. Accordingly, it appears that the Examiner is impermissibly using the Applicant's own specification as a template for piecing together the disjoint teachings of the prior art.

Accordingly, independent Claims 30 and 57 are patentable. Their dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

CONCLUSIONS

In view of the amendment and arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,


CIAN G. O'BRIEN
Reg. No. 55,792
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
407-841-2330
407-841-2343 fax
Agent for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 13th day of June, 2006.

